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E-FILED 7/30/2012  
JS-6

Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**HILDA L. SOLIS,**  
Secretary of Labor,  
United States Department of Labor,  
  
Plaintiff,

v.

**GREENWORLD, INC.,**  
a California corporation;  
  
**JIAN HUA BAI,** individually  
and as managing agent of the corporate  
defendant;  
  
and  
  
**LIHUA DAI,** individually  
and as managing agent of the corporate  
defendant.

Defendants.

Case No. CV 12-6160 PSG (DTBx)

~~(PROPOSED)~~  
CONSENT JUDGMENT

Plaintiff, HILDA L. SOLIS, Secretary of Labor, United States Department of Labor ("Plaintiff" or the "Secretary") and Defendants GREENWORLD, INC. ("Corporate Defendant" or "Greenworld"), MR. JIAN HUA BAI, individually and as managing agent of Corporate Defendant ("Defendant Bai"), and MS. LIHUA DAI, individually

1 and as managing agent of Corporate Defendant ("Defendant Dai") (Corporate Defen-  
 2 dant, Defendant Bai, and Defendant Dai are hereafter collectively referred to as "Defen-  
 3 dants") have agreed to resolve all matters in controversy in the above-captioned civil ac-  
 4 tion and consent to entry of this Consent Judgment in accordance herewith:

5 A. The Secretary filed a Complaint alleging that Defendants violated provi-  
 6 sions of Sections 6, 11, 15(a)(1), 15(a)(2), 15(a)(3), and 15(a)(5), 29  
 7 U.S.C. §§ 206, 211, 215(a)(1), 215(a)(2), 215(a)(3), 215(a)(5), respective-  
 8 ly, of the Fair Labor Standards Act of 1938, as amended ("FLSA"). (Doc.  
 9 1.)

10 B. The Secretary and Defendants waive Findings of Fact and Conclusions of  
 11 Law, and agree to the entry of this Consent Judgment in settlement of this  
 12 action, without further contest.

13 C. Defendants admit that the Court has jurisdiction over Defendants and sub-  
 14 ject matter of this civil action and that venue lies in the district court for  
 15 the Central District of California.

16 D. Defendants represent that they are entering into this Consent Judgment in  
 17 order to speedily and efficiently resolve this litigation.

18 It is therefore, upon motion of the attorneys for the Secretary, and for cause  
 19 shown,

20 ORDERED, ADJUDGED, AND DECREED, that Defendants, their officers,  
 21 agents, servants, and employees and those persons in active concert or participation with  
 22 them who receive actual notice of this order, by personal service or otherwise, be, and  
 23 they hereby are, pursuant to Section 17 of the FLSA, 29 U.S.C. § 217, permanently en-  
 24 joined and restrained from violating the provisions of Sections 15(a)(1), 15(a)(2),  
 25 15(a)(3), and 15(a)(5) of the FLSA, 29 U.S.C. §§ 215(a)(1), 215(a)(2), 215(a)(3), and  
 26 215(a)(5), in any of the following manners:

- 27 1. Defendants shall not, contrary to Section 6 of the FLSA, 29 U.S.C. § 206,  
 28 employ any employee who in any workweek is engaged in commerce or

1 in the production of goods for commerce, within the meaning of the  
2 FLSA, at wage rates less than \$7.25 per hour, or less than the applicable  
3 minimum rate as may hereafter be established by amendment to the  
4 FLSA.

5 2. Defendants shall not, contrary to FLSA § 15(a)(1), 29 U.S.C. § 215(a)(1),  
6 transport, offer for transportation, ship, deliver, or sell in commerce (or  
7 ship, deliver, or sell with knowledge or reason to believe that shipment,  
8 delivery, or sale in commerce is intended) goods in the production of  
9 which any employee (of the Defendant or other(s)) has been employed in  
10 violation of the FLSA's minimum wage provisions (29 U.S.C. § 206);

11 3. Defendants shall not fail to make, keep, and make available to authorized  
12 agents of the Secretary (for inspection, transcription, and/or copying,  
13 upon their demand for such access) and shall preserve, records of em-  
14 ployees and of the wages, hours, and other conditions and practices of  
15 employment maintained, as prescribed by regulations issued, and from  
16 time to time amended, pursuant to Sections 11(c) and 15(a)(5) of the  
17 FLSA, 29 U.S.C. §§ 211(c) and 215(a)(5), respectively, and the imple-  
18 menting regulations found in Title 29, Code of Federal Regulations, Part  
19 516.

20 a. In particular, Defendants shall record employee work time by requir-  
21 ing that employees sign in when they arrive at work, and sign out  
22 when they leave work. These times and signatures shall be written  
23 on the same production documents that Defendants use to track their  
24 boxes of harvested and packed produce.

25 4. Defendants shall not, contrary to Section 15(a)(3) of the FLSA, 29 U.S.C.  
26 § 215(a)(3), discharge or otherwise discriminate against any current or  
27 former employee for exercising any right protected by the FLSA.

28 5. Defendants, jointly and severally, shall not continue to withhold the pay-

1           ment of \$45,000.00 in unpaid minimum wage pay hereby found to be due  
2           under the FLSA to the employees named in the attached Exhibit 1. Exhi-  
3           bit 1 shows the name of each employee, the gross back wage amount due  
4           to that employee, and the period covered by the Consent Judgment; and it  
5           is further

6           ORDERED, ADJUDGED, AND DECREED that Judgment is hereby entered,  
7           pursuant to Section 16(c) of the FLSA, 29 U.S.C. § 216(c), in favor of the Secretary and  
8           against Defendants in the total amount of \$45,000.00, which represents unpaid back  
9           wages as described in Paragraph 5, above; and it is further

10          ORDERED that to satisfy the monetary portions of this Consent Judgment, De-  
11          fendants, jointly and severally, shall not fail to deliver to the Secretary's authorized rep-  
12          resentatives at the United States Department of Labor, Wage and Hour Division ("Wage  
13          and Hour"), located at 100 North Barranca Avenue, Suite 850, West Covina, California,  
14          91791, the following:

- 15           a. On or before July 13, 2012, a certified or cashier's check or money order,  
16           payable to the order of "Wage & Hour Div., Labor" in the amount of  
17           \$25,000.00 and with "Greenworld BWs" written in the subject or memo  
18           line of said check or money order;
- 19           b. On or before July 13, 2012, a schedule bearing the name "Greenworld,  
20           Inc.," including the employer identification number, residential addresses  
21           and phone numbers of Defendants, and showing the names, Social Security  
22           numbers, last known residential addresses, and gross back wage amounts  
23           owed to each individual as listed in the attached Exhibit 1;
- 24           c. On or before August 13, 2012, a certified or cashier's check or money or-  
25           der, payable to the order of "Wage & Hour Div., Labor" in the amount of  
26           \$20,000.00 and with "Greenworld BWs" written in the subject or memo  
27           line of said check or money order;
- 28           d. In the event of a default in the timely making of the payment required under

1 this Consent Judgment, the full amount which then remains unpaid, plus in-  
2 terest at the rate of ten percent (10%) per annum, from the date of this  
3 Judgment until the amount of this Judgment is paid in full, shall become  
4 due and payable upon the Secretary's sending, by ordinary U.S. mail, a  
5 written demand to the last business address of Defendants then known to  
6 the Secretary;

7 The Secretary shall allocate and distribute the remittances, or the proceeds thereof,  
8 to the individuals named in the attached Exhibit 1, or to their estates if that be necessary,  
9 in her sole discretion. The Secretary shall be responsible for deducting from the  
10 amounts paid to said individuals each individual's share of F.I.C.A. and federal income  
11 taxes, and for remitting said deductions to the appropriate federal agencies. Any sums  
12 not distributed within a period of one year from the date of receipt of the last such  
13 amounts due hereunder, because of an inability to locate the proper individuals or be-  
14 cause of such individual's refusal to accept it, shall be deposited by the Secretary into a  
15 special deposit account for payment to the proper individuals, and upon such inability to  
16 pay said amounts within three years, shall then be deposited into the Treasury of the  
17 United States as miscellaneous receipts, pursuant to 29 U.S.C. § 216(c).

18 Defendants shall not request or coerce, directly or indirectly, any current or former  
19 employee to return or offer to return to Defendants (or to any other individual on behalf  
20 of Defendants) any money previously due or to become due in the future to said em-  
21 ployee under the provisions of this Consent Judgment or under the FLSA; nor shall De-  
22 fendants retaliate or encourage anyone else to retaliate against any current or former em-  
23 ployee because such employee has received or retained money due to him under the pro-  
24 visions of this Consent Judgment or under the FLSA or because of said employee's ac-  
25 tual or perceived cooperation with representatives from the United States Department of  
26 Labor regarding the investigation giving rise to the above-captioned civil action.

27 Furthermore, Defendants shall post the Notice of Employee Rights, in English and  
28 Spanish, attached hereto as Exhibit 2, at their workplace, in a prominent location where

1 employees gather, or can view it, such in the shed areas where employees gather to  
2 work.

3 Within 30 days of the date of this Consent Judgment, representatives from Wage  
4 and Hour shall conduct two trainings, one in English and one in Spanish, at Defendants'  
5 work premises, located at 27530 Briggs Road, Sun City, California 92585, regarding the  
6 requirements of the FLSA. Defendants shall make reasonable efforts to ensure that all  
7 of their employees attend one of these sessions. These training sessions shall be consi-  
8 dered as the employees' working hours and shall be paid by Defendants accordingly.

9 It is further ORDERED that the filing, pursuit, and/or resolution of this proceed-  
10 ing with the entry of this Consent Judgment shall not act as or be asserted as a bar to any  
11 action under Section 16(b) of the FLSA, 29 U.S.C. § 216(b), as to any employee not  
12 named in the attached Exhibit 1, nor as to any employee named in the attached Exhibit 1  
13 for any time period not specified therein; and it is further

14 ORDERED that each party shall bear his, her, or its own fees and other expenses  
15 incurred by such party in connection with any stage of this proceeding, including but not  
16 limited to attorney's fees, which may be available under the Equal Access to Justice Act,  
17 as amended; and it is further

18 ORDERED that this Court shall retain jurisdiction of this action for purposes of  
19 enforcing compliance with the terms of this Consent Judgment.

20 The Court directs the entry of this Consent Judgment as a final Order.

21 SO ORDERED.

22  
23 Dated: 7/30, 2012

PHILIP S. GUTIERREZ

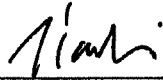
24 United States District Judge  
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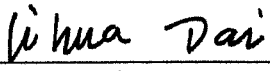
1 Entry of this Judgment is hereby consented to:

2 For Defendants:

3  
4 **For GREENWORLD, INC.:**


5   
6 Jian Hua Bai  
7 Authorized Agent

7-12-2012  
Date

8   
9 Lihua Dai  
10 Authorized Agent

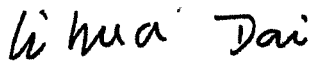
7-12-2012  
Date

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12 **For DEFENDANT JIAN HUA BAI, an individual:**

13   
14 Jian Hua Bai

7-12-2012  
Date

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16 **For DEFENDANT LIHUA DAI, an individual:**

17   
18 Lihua Dai

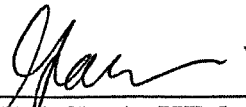
7-12-2012  
Date

19  
20  
21 **For the Secretary:**

22 M. PATRICIA SMITH  
23 Solicitor of Labor

24 JANET M. HEROLD  
25 Regional Solicitor

26 DANIEL J. CHASEK  
27 Associate Regional Solicitor  
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2 GRACE A. KIM  
3 Trial Attorney  
4 U.S. Department of Labor  
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**EXHIBIT 1**  
Solis v. Greenworld, Inc., et al.

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	<b>Last Name</b>	<b>First Name</b>	<b>Period Covered</b>	<b>Gross Amt Due</b>
1	Calderon	Jose	09/22/11 to	\$1,136.92
2	Ramirez		06/30/12	
3	Calderon	Jose B.	12/24/11 to	\$928.88
4	Ramirez		03/10/12	
5	Calvillo-	Hugo	05/28/11 to	\$194.33
6	Valdovinos		05/28/11	
7	Camarillo	Delia	05/21/11 to	\$3,141.49
8			03/24/12	
9	Cardenas	Juan Manuel	05/07/11 to	\$3,825.49
10			04/14/12	
11	Cardenas	Martha	07/16/11 to	\$2,034.61
12			06/30/12	
13	Cardenas	Yata-Nora	05/07/11 to	\$2,013.30
14			04/07/12	
15	Crus Macias	Liliana	05/14/11 to	\$1,066.71
16			12/24/11	
17	Crus Macias	Rolando	08/13/11 to	\$364.81
18			10/08/11	
19	Deniz Ochoa	Jesus Alejandro	04/30/11 to	\$1,558.30
20			06/30/12	
21	Diaz-Flores	Ricardo	12/24/11 to	\$952.76
22			06/30/12	
23	Fargoso	Jose	04/14/12 to	\$643.66
24			06/30/12	
25	Lara-Amador	Manuel	06/18/11 to	\$874.63
26			06/30/12	
27	Ledesma-Garcia	Eleno	04/30/11 to	\$3,355.15
28			06/30/12	
	Lopez-Espejo	Javier	11/19/11 to	\$1,241.04
			06/30/12	
	Lopez-Torre	Jesus	05/21/11 to	\$2,919.93
			03/31/12	
	Pantoja	Teodoro	12/24/11 to	\$1,572.41
			03/10/12	
	Ramires-Jose	Antonio	05/07/11 to	\$2,118.21
			06/30/12	
	Ranguel-Torres	Mario	07/16/11 to	\$231.47
			10/08/11	

**EXHIBIT 1****Solis v. Greenworld, Inc., et al.**  
**(continued)**

	<b>Last Name</b>	<b>First Name</b>	<b>Period Covered</b>	<b>Gross Amt Due</b>
20	Rodriguez	Julio Cesar	04/30/11 to 06/30/12	\$4,153.86
21	Santos	Vicente Alejandro	05/21/11 to 11/05/11	\$657.45
22	Sixtos	Rogelio	05/14/11 to 11/26/11	\$2,545.30
23	Vasquez-Herrera	Aurelio	05/21/11 to 06/30/12	\$2,295.17
24	Villa Carcia	Jose	12/17/11 to 03/24/12	\$892.62
25	Villasenor- Jimenez	Guadalupe Lu- cero	11/19/11 to 06/30/12	\$1,222.55
26	Villasenor- Jimenez	Paola	10/29/11 to 04/14/12	\$1,842.12
27	Zamora Ruis	Miguel	12/24/11 to 06/30/12	\$849.67
28	Zavala Calderon	Bernardo	12/10/11 to 12/24/11	\$367.16
<b>Total</b>				<b>\$45,000.00</b>

Exhibit 2

# **LEGAL NOTICE TO ALL** **EMPLOYEES**

The **Fair Labor Standards Act** provides that all employees must be paid minimum wage for all hours worked.

To resolve a lawsuit brought by the **Department of Labor**, the **United States District Court** entered an Order forbidding **Greenworld Inc.** from shipping goods on which employees were not paid the minimum wage required by the **Fair Labor Standards Act**. All employees who work in this establishment can help **Greenworld Inc.** not to violate the Court's Order.

If you think you are not being paid in accordance with the law call **Greenworld Inc.** at (909) 800-6807 **OR** you can call the **U.S. Department of Labor, Wage and Hour Division** at (626) 966-0478 and your name will be kept confidential.

Exhibit 2

# **NOTICIA LEGAL A TODOS LOS EMPLEADOS**

La **Ley de Normas Razonables de Trabajo** determina que se les debe de pagar a todos los empleados el sueldo mínimo por todas las horas que ellos trabajen.

Para resolver una demanda laboral iniciada por el **Departamento del Trabajo**, la corte del **Distrito de los Estados Unidos** expidió una orden que prohíbe a **Greenworld Inc.** de enviar la producción a sus distribuidores si en la fabricación de dichos productos no se les pago a los empleados el sueldo mínimo requerido por la Ley de Norma Razonables de Trabaja.

Todos los empleados que trabajan en éste establecimiento pueden ayudar a **Greenworld Inc.** a no violar la orden de la Corte.

Si Usted piensa que no se le pago de acuerdo a lo que la ley indica, por favor llame a **Greenworld Inc.** al numero (909) 800-6807 **O** Usted también puede llamar directamente al Departamento del Trabajo, Division de Horas y Salarios, al (626) 966-0478 y su llamada será confidencial.